

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD JAMES BAUMAN,

Plaintiff,

Case no. 08-12617

Honorable John Corbett O'Meara

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant,
_____ /

**ORDER ADOPTING MAGISTRATE JUDGE WHALEN'S
REPORT AND RECOMMENDATION**

Before the court is Magistrate Judge Whalen's June 10, 2009 Report and Recommendation. The court, pursuant to 72(b) of the Federal Rules of Civil Procedure, 28 U. S. C. 636(b)(1)(B), and LR 72.1(b)(3), has reviewed the report and recommendation. No objections were filed. Upon review;

IT IS HEREBY ORDERED that the report and recommendation is **ADOPTED** as the findings and conclusions of this court.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment, filed September 10, 2008 is DENIED, and defendant's motion for summary judgment, filed December 15, 2008 is GRANTED.

s/John Corbett O'Meara

United States District Judge

Date: June 30, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 30, 2009, by electronic and/or ordinary mail.

sWilliam Barkholz

Case Manager